

Translation

PATENT COOPERATION TREATY

PCT

REC'D 22 JUL 2004

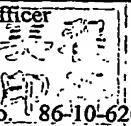
WIPO

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference IP03001	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/CN03/00535	International filing date (day/month/year) 07JUL2003 (07.07.03)	Priority date (day/month/year) 01NOV2002 (01/11/2002)
International Patent Classification (IPC) or national classification and IPC IPC ⁷ A01K67/033		
Applicant INSTITUTE OF OCEANOLOGY CHINESE ACADEMY OF SCIENCES ETAL		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>2</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		

Date of submission of the demand 07JUL2003(07.07.03)	Date of completion of this report 11JUN2004(11.06.04)
Name and mailing address of the IPEA/ 6 Xitucheng Rd., Jimen Bridge, Haidian District, 100088 Beijing, China	Authorized officer 
Facsimile No. 86-10-62019451	Telephone No. 86-10-62085491

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
 2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
 - the international application as originally filed/furnished
 - the description:

pages	2-5	as originally filed/furnished
pages	1	received by this Authority on
pages		received by this Authority on
 - the claims:

pages		as originally filed/furnished
pages		as amended (together with any statement) under Article 19
pages	1-7	received by this Authority on
pages		received by this Authority on
 - the drawings:

pages		as originally filed/furnished
pages		received by this Authority on
pages		received by this Authority on
 - a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
 3. The amendments have resulted in the cancellation of:
 - the description, pages _____
 - the claims, Nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to sequence listing (*specify*): _____
 4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages _____
 - the claims, Nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to sequence listing (*specify*): _____
- * If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CN03/00535**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement:

Novelty (N)	Claims 1-7	YES
	Claims _____	NO
Inventive step (IS)	Claims 1-7	YES
	Claims _____	NO
Industrial applicability (IA)	Claims 1-7	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

1. Industrial applicability

Claims 1-7 meet the requirement of PCT Article 33(4) because each claimed method of claims 1-7 can be applied to industrialized practice.

2. Novelty and Inventive step

The closest prior art, a method for cultivating *Haliotis discus hannai* is known from the document D1: "Commercial seeding rearing of abalone *Haliotis discus hannai* in southern shandong", Marine Sciences, (1996)No1, PP. 6-7.

The problem may be regarded as how to cultivating *Haliotis discus hannai* Ino without introducing foreign gene.

The problem is solved with the use of the method in claim 1. The technical features of using the mutant of tangerine shell color *Haliotis discus hannai* Ino and using single cross or group cross mode to make artificial insemination are not known from any of the documents mentioned in the search report. Therefore, it requires inventive consideration to arrive at the subject-matter of claim 1. Consequently, subject-matter of claim 1 meets the requirement of Art. 33(2)-(3) PCT.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/CN03/00535

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The characterizing portion of dependent claims 2-7 further define some technical features, but these technical features don't appear in the corresponding steps of claim 1 that dependent claims 2-7 refer to. The dependent claims 2-7 aren't clear, so they don't meet the requirement of PCT Article 6.